

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

PRODUCTION OF LYSOSOMAL ENZYMES IN PLANT-BASED EXPRESSION SYSTEMS

and for which a patent application:

☒ is attached hereto and identified by Attorney Docket No. 7956-011

☐ was filed in the United States on _____ as Application Serial No. _____ (for declaration not accompanying application)

with amendment(s) filed on _____ (if applicable)

☐ was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/003,737	September 14, 1995

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianne (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), SaraLynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), James G. Markey (Reg. No. 31636), and Charles F. Hoyng (Reg. No. 35548), all of Pennie & Edmonds, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: <u>PENNIE & EDMONDS</u> <u>1667 K STREET, N.W.</u> <u>WASHINGTON, D.C. 20006</u>				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS DOCKETING (202) 496-4400	
201	FULL NAME OF INVENTOR	LAST NAME Radin	FIRST NAME David	MIDDLE NAME N.	
	RESIDENCE & CITIZENSHIP	CITY Blacksburg	STATE OR FOREIGN COUNTRY VA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 1961 Oilwell Road	CITY Blacksburg	STATE OR COUNTRY VA	ZIP CODE 24060
202	FULL NAME OF INVENTOR	LAST NAME Cramer	FIRST NAME Carole	MIDDLE NAME L.	
	RESIDENCE & CITIZENSHIP	CITY Blacksburg	STATE OR FOREIGN COUNTRY VA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 1961 Oilwell Road	CITY Blacksburg	STATE OR COUNTRY VA	ZIP CODE 24060
203	FULL NAME OF INVENTOR	LAST NAME Oishi	FIRST NAME Karen	MIDDLE NAME K.	
	RESIDENCE & CITIZENSHIP	CITY Blacksburg	STATE OR FOREIGN COUNTRY VA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 601 Piedmont Street	CITY Blacksburg	STATE OR COUNTRY VA	ZIP CODE 24060
204	FULL NAME OF INVENTOR	LAST NAME Weissenborn	FIRST NAME Deborah	MIDDLE NAME L.	
	RESIDENCE & CITIZENSHIP	CITY Blacksburg	STATE OR FOREIGN COUNTRY VA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 5091 Whitethorne Road	CITY Blacksburg	STATE OR COUNTRY VA	ZIP CODE 24060
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: RADIN et al.
☐ Patent of:

☒ Serial No.: 08/713,928

Group Art Unit: Not yet assigned

☐ Patent No.:

☒ Filed: September 13, 1996

Examiner: Not yet assigned

☐ Issued:

For: PRODUCTION OF
LYSOSOMAL ENZYMES
IN PLANT-BASED
EXPRESSION SYSTEMS

Attorney Docket No.: 7956-011

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act in behalf of
the concern identified below:

Name of concern CROPTech DEVELOPMENT CORPORATION

Address of concern 1861 Pratt Drive, Suite 1040, Corporate Research
Center, Blacksburg, Virginia 24060

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled **PRODUCTION OF LYSOSOMAL ENZYMES IN PLANT-BASED EXPRESSION SYSTEMS** by inventor(s) David N. Radin, Carole L. Cramer, Karen K. Oishi, and Deborah L. Weissenborn described in

- ☐ the specification filed herewith
☒ application serial no. 08/713,928 filed September 13, 1996
☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME VIRGINIA TECH INTELLECTUAL PROPERTIES, INC.

ADDRESS 1861 Pratt Drive, Suite 1040, Blacksburg, VA 24060

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS
1667 K Street, N.W.
Washington, D.C. 20006

Direct Telephone calls to:
PENNIE & EDMONDS
(202) 496-4400

Name of person signing David N. Radin

Title of person other than owner President

Address of person signing 1861 Pratt Drive, Suite 1040, Corporate Research Center, Blacksburg, Virginia 24060

Signature David N. Radin

Date Dec. 8, 1996

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: RADIN et al.
☐ Patent of:

☒ Serial No.: 08/713,928
☐ Patent No.:

Group Art Unit: Not yet assigned

☒ Filed: September 13, 1996
☐ Issued:

Examiner: Not yet assigned

For: PRODUCTION OF LYSOSOMAL
ENZYMES IN PLANT-BASED
EXPRESSION SYSTEMS

Attorney Docket No.: 7956-011

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization VIRGINIA TECH INTELLECTUAL PROPERTIES, INC.
Address of organization 1900 Kraft Drive, Suite 107, Blacksburg, Virginia 24060

Type of organization

- ☐ University or other institution of higher education
☒ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of the United States of America
(Name of state _____)
(Citation of statute _____)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled **PRODUCTION OF LYSOSOMAL ENZYMES IN PLANT-BASED EXPRESSION SYSTEMS**

inventor(s) David N. Radin, Carole L. Cramer, Karen K. Oishi, and Deborah L. Weissenborn
described in

by

- ☐ the specification filed herewith
☐ application serial no. 08/713,928
☐ patent no. issued

filed September 13, 1996

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME CROPTech DEVELOPMENT CORPORATION

ADDRESS 1861 Pratt Drive, Suite 1040, Blacksburg, VA 24060

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS
1667 K Street, N.W.
Washington, D.C. 20006

Direct Telephone calls to:
PENNIE & EDMONDS
(202) 496-4400

Name of person signing Theodore Kohn

Title of person other than owner Director, Virginia Tech Intellectual Properties, Inc.

Address of person signing 1900 Kraft Drive, Suite 107, Blacksburg, Virginia 24060

Signature _____

Date 11/8/96

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)